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November 18, 2019

Via Electronic Submission

United States Bankruptcy Court for the Western District of Pennsylvania
5414 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

Re: Debtor: 5171 Campbell Land Co LLC
Petition #: 19-22715-CMB

Dear Sir or Madam,

Enclosed please find the following:

1. *Motion For Relief From Automatic Stay;*
2. *Notice of Hearing;* and,
3. *Certificate of Service.*

Should you have any questions please do not hesitate to contact my office.

Very Truly Yours,

/s/ *Jillian M. Corbett*

Jillian M. Corbett, Esq.

Enclosures

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

5171 Campbell Land Co LLC, Debtor

Case No. 19-22715-CMB
Chapter 11

Peggy Michael,

Movant,

V.

5171 Campbell Land Co.,

Respondent.

MOTION FOR RELIEF FROM AUTOMATIC STAY

Now comes the Movant, Peggy Michael, and hereby moves this Court pursuant to 11 U.S.C. § 362(d) for relief from the automatic stay entered in this action per 11 U.S.C. § 362(a) to permit her to pursue her bodily injury claim in the Clarion County Court of Common Pleas arising out of a slip and fall incident which took place on or about June 26, 2018 to the extent that the debtor, 5171 Campbell Land Co., or any insurance carrier, shall be financially responsible.

In support thereof, creditor Peggy Michaels states as follows:

1. This is a proceeding for relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) and Fed. R. Bankr. P. 4001.
2. On July 8, 2019 Defendant 5171 Campbell Land Co., Inc. filed a voluntary petition under Chapter 11 of the United States Bankruptcy Code.
3. Prior to the Petition Date, on May 6, 2019, Peggy Michaels filed claims in the Court of Common Pleas of Clarion County against 5171 Campbell Land Co. for personal injuries arising out of a June 26, 2018 slip and fall incident at Perkins Restaurant located at 78 Perkins Rd. Clarion, PA 16214.
4. This relief is sought for the limited purpose of enabling Peggy Michaels to continue to pursue her bodily injury tort claims against 5171 Campbell Land Co.

5. Any judgment or settlement of the claims would be funded by the Argo Insurance policy held by the Debtor.
6. Creditor, Peggy Michael, submits that relief from the automatic stay should be granted for cause as contemplated by Section 362(d) of the Bankruptcy Code on account of, without limitation, the following reasons: Debtor will not be prejudiced by an order from this court lifting the automatic stay to the extent of the insurance carried by the debtor at the time of the incident, because if Creditor, Peggy Michaels, were to obtain a judgment against the Debtor within the insurance policy limits, said monies would be paid by the Argo Insurance policy held by Debtor, not by the Debtor. Therefore, such a judgment would not affect the assets of the Debtor's estate.

WHEREFORE, creditor, Peggy Michael, moves this court for relief from the automatic stay so that she may pursue the bodily injury tort claims and a possible civil action against the debtor, 5171 Campbell Land Co., to the extent of any applicable liability insurance policy limits. Furthermore, Creditor Peggy Michael moves the court to deny Debtor from being discharged to the extent their insurance company will be responsible for damages arising out of the June 26, 2018 incident at Perkins. A proposed order is attached hereto as Exhibit A.

Respectfully Submitted,
Peggy Michael, By her Attorney,

/s/ Jillian M. Corbett
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Date: 11/18/2019

